

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DANIEL CASTRO
[DV-3498]

v.

JOHN E. WETZEL, et al.

CIVIL ACTION

NO. 13-3273

FILED

JAN - 7 2014

MICHAEL E. KONZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this

6th

day of

January

, 2014,

upon consideration of the pleadings and the record herein, and after review of the Report and

Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED**

that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.
2. Respondent's Motion for Permission to File Out of Time [Document 7] is **GRANTED**.
3. The Petition for Writ of Habeas Corpus is placed in suspense until the conclusion of the state post-conviction proceedings.
4. Castro shall return to federal court within thirty (30) days following the conclusion of his state court proceedings. If Petitioner does not return to federal court within that time, this stay and abeyance order will be vacated and his petition will be dismissed without prejudice.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

C. DARNELL JONES,

J.